

REMARKS

The present Amendment is in response to the Office Action mailed on June 5, 2006, in which Claims 1-3, 5-20, and 22-27 were rejected under 35 U.S.C. 102(e) or 103(a), and Claims 4 and 21 would be allowable if rewritten in independent form. Applicants have thoroughly reviewed the outstanding Office Action including Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the above amendments, are believed to render all claims at issue patentable over the cited references.

Applicants have amended Claims 1, 5-6, 16 and 22-23, cancelled Claims 7 and 24, and newly added Claims 28-29. Therefore, Claims 1-6, 8-23, and 25-29 remain in this application.

Applicants have amended Claims 1 and 16 to more clearly identify a novel and non-obvious feature of the claimed invention. A limitation "said light-guiding apparatus reflecting said spontaneous emission light to a continuous linear incident light" of the claimed invention has been amended to independent Claims 1 and 16. Support for this limitation can be found on page 6, lines 1-11 of the application, and in FIGS. 2A-2D and FIGS. 3-4, in which the incident light out of the light-guiding apparatus is both linear and continuous (in space). The rationale for the continuity in space of the incident light is that the lights provided by the light source module are mixed while guidingly transmitting through the light-guiding apparatus, and therefore the light come out of the light-guiding apparatus is continuous in space. Applicants thus submit that no new matter has been added.

Claims 1 and 16 are also amended to recite "linear incident light irradiating is passed through a detection area" and "linear incident light passed through or reflected by said detection area." These recitations are particularly amended to, at least, cover both of the embodiments as

illustrated in Fig. 3 and Fig. 4, and are fully supported by the originally filed specification. Therefore, Applicants thus submit that no new matter has been added.

Claims 28-29 are newly added to specifically claim a light-guiding apparatus having an exterior enclosure and material filled therein. These claims are supported by the originally filed specification, for example page 6 lines 1-17.

Applicants respectfully request reconsideration in light of the following remarks.

Rejections Under 35 USC § 102

Claims 1-3, 7, 16, 18 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Stevens et al. (U.S. Patent 5,900,131). Applicants respectfully traverse the rejection made by Examiner for the reasons discussed below.

The Examiner asserted that Stevens discloses an optical measuring apparatus as shown in FIG. 3 including a light-guiding apparatus (an optical coupler 302/an array of optical fibers 301) for reflecting a spontaneous emission light to a linear incident light.

Applicants respectfully submit that Stevens does not teach nor suggest the feature-"said light-guiding apparatus reflecting said spontaneous emission light to a continuous linear incident light" as recited in the amended independent Claims 1 and 16 of the claimed invention. For the system of Stevens, the spontaneous emission light is split by the optical coupler 302 into a plurality of beams, and each beam is then transferred by the array of optical fibers 301 to pass through a detection area. Thus, the linear incident light, i.e., the plurality of beams, out of the light-guiding apparatus is non-continuous.

It is therefore Applicants' belief that the amended Claims 1 and 16 are allowable under the cited reference Stevens. Insofar as Claims 2-3 and 18 depend respectively from Claims 1 and 16, it is Applicants' belief that these Claims are also considered to be allowable.

Reconsideration and withdrawal of the rejection under 35 U.S.C. Section 102 are respectfully requested.

Rejections Under 35 USC § 103

Claims 5, 9, 14, 20, 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al. in view of the Official Notice. Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al. Claims 8, 10, 11, 13, 19, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al. in view of Proper et al. (5,306,618). Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al. in view of Proper et al., and further in view of Simpson et al. (6,017,434). Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stevens et al. in view of Proper et al. and Simpson et al., and further in view of Hayashizaki et al (6,120,667).

Applicants submit that these claims are believed allowable based on their dependency from allowable independent claims, and further based on their respective patentability over the citation(s). Some of their rationales are discussed below.

As to claims 5 and 22, Examiner took Official Notice of the fact that the use of glass, acrylics or polycarbonates as filler in a light guiding apparatus would have been well known. Applicants respectfully submit that such Official Notice becomes unsound as claims 5 and 22 are presently amended such that Steven does not disclose the claimed light-guiding apparatus having an exterior enclosure. Lacking such exterior enclosure, it becomes confusing how the above-mentioned filler is filled thereinto in Stevens.

As to claims 6 and 23, Examiner asserted that Stevens discloses that the exterior of the light-guiding apparatus includes reflection elements such as mirrors. Applicants respectfully submit that such assertion becomes unsound as claims 6 and 23 are presently amended such that Steven does not disclose the claimed light-guiding apparatus having an exterior enclosure. The claimed exterior enclosure has nothing to do with the "mirror" disclosed in Stevens.

Claims 8, 10, 11, 13, 19, 25 and 26 are rejected as being unpatentable over Stevens in view of Prober. This rejection is respectfully traversed, in general, for the reason that Stevens and Prober have fundamentally different structures-Stevens discloses a passing-type system in which the incident light passes through the test sample, while Prober discloses a reflective-type system in which the incident light reflects the test sample. One of ordinary skill in the art would not possibly modify Stevens by using Prober.

Specifically, as to claims 11, 25 and claims 13 and 26, Examiner asserted that Prober discloses the claimed image module having a focusing lens (per claims 11 and 25), and Prober also discloses the claimed image-sensing module having a filter lens and a dichroic mirror (per claims 13 and 26). It would be confusing if numeral 38 (Fig. 1 of Prober) denotes the image-sensing module, and numeral 40 denotes the image module, then how the "image module (40) is configured between said detection area (10) and said image-sensing module (38)" as claimed (in claim 10.)

Claims 15 and 17 are rejected as being unpatentable over Stevens in view of Prober and Simpson, and further in view of Hayashizaki. This rejection is respectfully traversed, in general, for the reason that there are too many citations, total four (4), used to reject claim 15 or 17. Even there is no absolute doctrine in Patent Law or Patent Case Law to limit the quantity of citations combined to reject a claim, however, it becomes not well-founded for rejecting a claim that has only four (4) elements (i.e., a light source module, a light-guiding module, a receiving module, and a platform) with four (4) citations (i.e., Stevens, Prober, Simpson, and Hayashizaki.)

Specifically, this rejection is respectfully traversed on the reason that the movement direction of the test sample (64)(Fig. 10 in Hayashizaki) is two-dimension rather than "one-dimension" as claimed.

Newly added Claims 28-29

Newly added claims 28-29 are believed patentable over the citation(s). In addition to the rationale regarding 102 rejection discussed above, claim 28 or 29 further recites that the light-guiding apparatus comprises an exterior enclosure and material filled therein. Such configuration is not disclosed in any of the citations.

Allowable Subject Matter

Applicants appreciate Examiner's indication of allowable subject matter in Claims 4 and 21. Applicants have not yet rewritten these claims in independent form since they believe the claims from which they depend are also allowable.

In light of the above amendments and remarks, Applicants respectfully submit that pending claims 1-6, 8-23, and 25-29 as currently presented are in condition for allowance. Reconsideration is respectfully requested.

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Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse Reg. No. 27,295 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

Joe McKinney Muncy

Registration No.: 32,334

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant